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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/650,834	05/20/1996	STEPHEN C. WREN	WR-6	3077
7590	04/06/2006		EXAMINER	
John Henry Muetterties 7796 S. Datura St. Littleton, CO 80120			ART UNIT	PAPER NUMBER

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	08/650,834	WREN, STEPHEN C.
	<b>Examiner</b>	<b>Art Unit</b>
	James H. Zurita	3625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 3 May 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1.  The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2.  The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3.  At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4.  (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5.  The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))
6.  The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7.  The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8.  The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9.  The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10.  Other (including any explanation in support of the above items):

see attached.

*Ar 6/2  
PTO-NB 502 3625  
Mr April 2006*

## DETAILED ACTION

### ***Notice of Non-Compliant Appeal Brief***

The Appeal Board is now returning Appeal Briefs that do not comply with 37 CFR 41.37(c), which became effective July 30 2003.

Some examples follow; the list is not intended to be complete. Applicant's assistance is requested in preparing an appeal brief to expedite processing.

For claims that include means plus function language, applicant must define structure and specifically point out support for the structure in the specification.

Pages 4 and 16 contain illegible text.

The second half of page 16 is blacked out.

#### **Concerning (5) Summary of Claimed Subject Matter:**

Line numbers cited for support in (5) are often wrong, since the number of lines on each page of the originally filed specification never exceeds 24. For example, for claim 30, Applicant relies on page 7, lines 30-35. Page 7 has only 24 lines.

The page and line numbers cited for support in (5) Summary of Claimed Subject Matter [in the instant application] are, at times, identical to page and line numbers cited in (11) Claim Support Appendix [application 08/268309]. As noted above, the line numbers does not exceed 24 in the instant application's originally filed specifications.

Claim 44 (5) Summary of Claimed Subject Matter [in 08/650834], page 3:

Claim 44 relates to an apparatus to sell or market goods or services comprising a first central facility providing product information which enables a customer to select and contact another central facility having other product information. [See the specification at Page 9 line 32, Page 16 line 3, Page 2 line 30, Page 1 line 10, and Page 3 line 32]

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## Claim 44 (11) Claim Support Appendix [in 08/268309], page 63:

	44. An apparatus for marketing at least one of goods or services, comprising: a first central communications facility having a first database of information relating to goods or services to provide to a customer at a computerized remote facility upon request, said first central communications facility adapted to enable said customer to select and contact a second central communications facility having a database of information relating to a second set of information relating to goods or services to provide upon request; and a communication device to enable said first central communications facility to communicate with said remote facility, said communication including transmitting said first set of information from said first central communications facility to said remote facility.	Page 9 line 32  Page 16 line 3, Page 2 line 30  Page 1 line 10, Page 3 line 32	
	45. The apparatus of claim 44, further comprising	Page 13, line 9 "In this respect the system may be used"	

In fact, the cited portions of each application contain the following text:

Page, line ##	08/650634	08/268309,
Page 1, line 10	...by reference	The present invention generally relates to a system...
Page 2, line 30	Does not exist, page 2 has only 23 lines.	...described problems of the traditional approach. Such...
Page 3, line 32	Does not exist, page 3 has only 24 lines.	However, the D'Agostino method requires that the...
Page 9, line 32	Does not exist, page 9 has only 23 lines.	...phone directory. In that sense an electronic phone book...
Page 16, line 3	...requested information to permit the customer to review leisurely while...	...representative. As an alternative the customer may...

### Conclusion

A substitute brief that is in compliance with 37 CFR § 41.37(c) is required.

Since the above-mentioned Appeal Brief appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

For more information on the Board's new rules see the web page entitled  
More Information on the Rules of Practice Before the BPAI, Final Rule at:  
<http://www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html>.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*JZ*  
James Zurita  
Patent Examiner  
Art Unit 3625  
4 April 2006